United Nations E/RES/2012/11

Economic and Social Council

Distr.: General
30 August 2012

**Substantive session of 2012**
Agenda item 14 (*b*)

# Resolution adopted by the Economic and Social Council

[*on the recommendation of the Commission for Social Development (E/2012/26 and Corr.1)*]

## 2012/11. Mainstreaming disability in the development agenda

*The Economic and Social Council,*

*Recalling* the outcomes of the World Summit for Social Development, held in Copenhagen from 6 to 12 March 1995,[1] and of the twenty-fourth special session of the General Assembly, entitled "World Summit for Social Development and beyond: achieving social development for all in a globalizing world", held in Geneva from 26 June to 1 July 2000,[2]

*Recalling also* the World Programme of Action concerning Disabled Persons,[3] the Standard Rules on the Equalization of Opportunities for Persons with Disabilities[4] and the Convention on the Rights of Persons with Disabilities,[5] in which persons with disabilities are recognized as both development agents and beneficiaries in all aspects of development,

*Recalling further* its previous resolutions concerning persons with disabilities and further promotion of equalization of opportunities and mainstreaming of disability in the development agenda and the relevant resolutions adopted by the General Assembly,

*Welcoming* the fact that, since the opening for signature on 30 March 2007 of the Convention and the Optional Protocol thereto,[6] one hundred and fifty-two States and one regional integration organization have signed and one hundred and seventeen States have ratified or acceded to and one regional integration organization has formally confirmed the Convention and ninety States have signed and seventy-one States have ratified or acceded to the Optional Protocol, and

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[1] *Report of the World Summit for Social Development, Copenhagen, 6–12 March 1995* (United Nations publication, Sales No. E.96.IV.8), chap. I, resolution 1, annexes I and II.

[2] General Assembly resolution S-24/2, annex.

[3] A/37/351/Add.1 and Corr.1, annex, sect. VIII, recommendation 1 (IV).

[4] General Assembly resolution 48/96, annex.

[5] United Nations, *Treaty Series*, vol. 2515, No. 44910.

[6] Ibid., vol. 2518, No. 44910.



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encouraging all States that have not yet done so to consider signing and ratifying the Convention and the Optional Protocol,

*Noting* that the Convention provides comprehensive coverage of the civil, political, economic, social and cultural rights of persons with disabilities,

*Noting also* that persons with disabilities, who face a greater risk of living in absolute poverty, make up an estimated 15 per cent of the world's population,[7] of whom 80 per cent live in developing countries,[8] and recognizing the importance of international cooperation in supporting national efforts to mainstream disability in the development agenda, in particular for developing countries,

*Convinced* that addressing the profound social, cultural and economic disadvantage and exclusion experienced by many persons with disabilities, promoting the use of universal design, as appropriate, as well as the progressive removal of barriers to the full and effective participation of persons with disabilities in all aspects of development, and promoting their equal enjoyment of civil, political, economic, social and cultural rights will further the equalization of opportunities and contribute to the realization of a "society for all" in the twenty-first century,

*Noting* that, while progress has already been made by Governments, the international community and the United Nations system in mainstreaming disability as an integral part of the global development agenda, major challenges remain,

*Emphasizing* the importance of the collection and compilation of national data and information regarding the situation of persons with disabilities, following existing guidelines on disability statistics, that are disaggregated by gender and age, which could be used by Governments to enable their development policy planning, monitoring, evaluation and implementation to be disability-sensitive, in particular in the achievement of the Millennium Development Goals for persons with disabilities, while reiterating the request to the United Nations system to facilitate technical assistance within existing resources, including the provision of assistance, in particular to developing countries, for capacity-building and for the collection and compilation of national and regional data and statistics on disabilities,

*Underlining* the importance of mobilizing resources at all levels for the successful implementation of the Standard Rules, the World Programme of Action and the Convention, and recognizing the importance of international cooperation and its promotion in support of national efforts, in particular in developing countries,

*Stressing* the importance of multi-stakeholder partnerships and international cooperation in combating discrimination based on disability and in mainstreaming disability in the global development agenda for the promotion of the linkages between disability and global development priorities, including poverty reduction and sustainable development,

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[7] According to the *World Report on Disability*, published in 2011 by the World Health Organization and the World Bank, an estimated 15 per cent of the world's population lives with a disability.

[8] In General Assembly resolution 65/186, it is stated that persons with disabilities make up an estimated 10 per cent of the world's population, of whom 80 per cent live in developing countries. The figure of 80 per cent, which originated from the United Nations Development Programme, was quoted in a discussion paper entitled "Disability and poverty: a survey of World Bank poverty assessments and implications" (Jeanine Braithwaite and Daniel Mont, SP discussion paper No. 0805, World Bank, February 2008).

1. *Welcomes* the decision of the General Assembly to hold a one-day High-level Meeting, at the level of Heads of State and Government, during its sixty-eighth session, with the overarching theme "The way forward: a disability-inclusive development agenda towards 2015 and beyond", in order to strengthen efforts to ensure accessibility for and inclusion of persons with disabilities in all aspects of development efforts;

2. *Takes note with appreciation* of the report of the Secretary-General;[9]

3. *Welcomes* the work of the Special Rapporteur on disability of the Commission for Social Development, and takes note of his report;[10]

4. *Also welcomes* the establishment of the Multi-Donor Trust Fund for the United Nations Partnership to Promote the Rights of Persons with Disabilities, and encourages Member States and other stakeholders to support the objectives of the Trust Fund, including by providing voluntary contributions;

5. *Calls upon* Member States and United Nations bodies and agencies to include disability issues and persons with disabilities in their efforts to achieve the Millennium Development Goals and, in reviewing progress towards the achievement of the Goals, to assess the extent to which persons with disabilities have benefited from those efforts;

6. *Encourages* all Member States, concerned intergovernmental organizations, international and regional organizations, civil society, in particular organizations of persons with disabilities, and the private sector to engage in cooperative arrangements and strategic partnerships to facilitate technical cooperation to advance disability-inclusive development;

7. *Encourages* stakeholders at the regional and subregional levels to include the perspectives of persons with disabilities in all forms of development cooperation, including South-South and triangular cooperation, in order to build collaborative frameworks for mainstreaming disability, including the promotion and protection of the rights of persons with disabilities, at the national level;

8. *Encourages* Member States, the United Nations system, within its existing resources, and other stakeholders to improve data and statistics on disability, taking into account existing guidelines published by the United Nations, as a basis for strengthening evidence-based policymaking and to share good practices and experiences in order to overcome barriers and further advance disability-inclusive development;

9. *Urges* the United Nations to enhance partnerships for international cooperation between the United Nations system and regional and subregional organizations and to enhance its role in forging partnerships with a wide range of stakeholders, in particular with organizations of persons with disabilities and the private sector, to provide opportunities and forums, within existing resources, for promoting linkages between disability and the mainstream development agenda;

10. *Calls upon* the international community to seize every opportunity to include disability as a cross-cutting issue in the global development agenda, including in the setting up of the post-2015 United Nations development framework,

[9] E/CN.5/2012/6.

[10] See E/CN.5/2012/7.

in the dialogues and outcomes of relevant United Nations development conferences and in the quadrennial comprehensive policy review process, as appropriate;

11. *Emphasizes* the need for measures to ensure that women and girls with disabilities are not subject to multiple or aggravated forms of discrimination or excluded from participation in the implementation of the international development goals, and the need to eliminate existing inequalities between women and men with disabilities;

12. *Encourages* the Special Rapporteur to collaborate, as appropriate, with all relevant stakeholders, including special procedures mandate holders of the Human Rights Council, in accordance with his or her mandate;

13. *Requests* the Special Rapporteur to submit to the Commission at its fifty-first session an annual report on his activities on mainstreaming disability in the development agenda;

14. *Requests* the Secretary-General to prepare a report on the implementation of the present resolution for submission to the Commission at its fifty-first session, as a contribution to the upcoming High-level Meeting of the General Assembly.

*46th plenary meeting*
*26 July 2012*

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## Resolution adopted by the Economic and Social Council

[*on the recommendation of the Commission on Narcotic Drugs (E/2011/28/Add.1) and the Commission on Crime Prevention and Criminal Justice (E/2011/30/Add.1)*]

### 2012/12. Strategy for the period 2012–2015 for the United Nations Office on Drugs and Crime

*The Economic and Social Council,*

*Recalling* General Assembly resolution 66/8 of 11 November 2011 on programme planning,

*Recalling also* Commission on Narcotic Drugs resolution 54/10 of 25 March 2011[1] and Commission on Crime Prevention and Criminal Justice resolution 20/1 of 13 April 2011,[2] in which the Commissions requested the Secretariat and the standing open-ended intergovernmental working group on improving the governance and financial situation of the United Nations Office on Drugs and Crime to develop, as follow-up to the strategy for the period 2008–2011 for the Office, an updated strategy for the period 2012–2015 and to present such a strategy to the Commissions for their consideration, and urged the Secretariat to continue to ensure that the updated strategy, as approved by Member States and as reflected in the strategic frameworks covering the bienniums 2012–2013 and 2014–2015, guides the formulation of clearly defined objectives, improved benchmarks and performance indicators measuring both qualitatively and quantitatively the impact of the work of the Office, in full compliance with relevant resolutions of the General Assembly on results-based budgeting,

1. *Approves* the strategy for the period 2012–2015 for the United Nations Office on Drugs and Crime;[3]

2. *Requests* the Executive Director of the United Nations Office on Drugs and Crime to ensure that the strategy for the period 2012–2015 is reflected in the

[1] See *Official Records of the Economic and Social Council, 2011, Supplement No. 8* (E/2011/28), chap. I, sect. C.

[2] Ibid., *Supplement No. 10* (E/2011/30), chap. I, sect. D.

[3] E/CN.7/2011/9/Add.2-E/CN.15/2011/9/Add.2.



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strategic framework for the period 2014–2015 and to present the latter to the relevant intergovernmental bodies, for their consideration and approval.

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*26 July 2012*

United Nations E/RES/2012/13

# Economic and Social Council

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## Resolution adopted by the Economic and Social Council

[*on the recommendation of the Commission on Crime Prevention and Criminal Justice (E/2012/30 and Corr.1 and 2)*]

### 2012/13. Standard Minimum Rules for the Treatment of Prisoners

*The Economic and Social Council*

*Recommends* to the General Assembly the adoption of the following draft resolution:

*The General Assembly*,

*Bearing in mind* the long-standing concern of the United Nations for the humanization of criminal justice and the protection of human rights,

*Reaffirming* the importance of the United Nations standards and norms in crime prevention and criminal justice, and especially of promoting their implementation,

*Emphasizing* that in the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World,[1] Member States recognized that an effective, fair and humane criminal justice system was based on the commitment to uphold the protection of human rights in the administration of justice and the prevention and control of crime and acknowledged the value and impact of the United Nations standards and norms in designing and implementing national crime prevention and criminal justice policies, laws, procedures and programmes,

*Recalling* its resolution 65/230 of 21 December 2010, entitled "Twelfth United Nations Congress on Crime Prevention and Criminal Justice", in which it requested the Commission on Crime Prevention and Criminal Justice to establish an open-ended intergovernmental expert group to exchange information on best practices, as well as national legislation and existing international law, and on the revision of existing United Nations standard minimum rules for the treatment of prisoners so that they reflected recent

[1] General Assembly resolution 65/230, annex.



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advances in correctional science and best practices, with a view to making recommendations to the Commission on possible next steps, and requested the expert group to report to the Commission on progress in its work,

*Aware* that the penitentiary system is one of the key components of the criminal justice system and that the Standard Minimum Rules for the Treatment of Prisoners[2] have been of value and influence in the development of correctional laws, policies and practices,

*Convinced* that prisons should be used as a punishment only for individuals who have committed serious offences or when necessary to protect the public,

*Convinced also* that specific efforts should be made to use alternative measures, in accordance with the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules),[3]

*Taking into account* the progressive development of international instruments pertaining to the treatment of prisoners since 1955, in particular the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[4] and the Optional Protocol thereto,[5]

*Taking into account also* the relevance of the procedures for the effective implementation of the Standard Minimum Rules for the Treatment of Prisoners, approved by the Economic and Social Council in its resolution 1984/47 of 25 May 1984, the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment,[6] the Basic Principles for the Treatment of Prisoners,[7] the United Nations Rules for the Protection of Juveniles Deprived of their Liberty[8] and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules),[9]

*Taking into account further* the work carried out by the Latin American Standing Committee of the International Penal and Penitentiary Foundation for the revision and updating of the Standard Minimum Rules for the Treatment of Prisoners, presented to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, held in Salvador, Brazil, from 12 to 19 April 2010, as well as the 2011 study on the extent of implementation of the Standard Minimum Rules by African countries, conducted by the African Institute for the Prevention of Crime and the Treatment of Offenders,

*Taking note with appreciation* of the development by the United Nations Office on Drugs and Crime of the handbook for prison leaders,[10] the handbook

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[2] *Human Rights: A Compilation of International Instruments*, Volume I (First Part), *Universal Instruments* (United Nations publication, Sales No. E.02.XIV.4 (Vol. I, Part 1)), sect. J, No. 34.

[3] General Assembly resolution 45/110, annex.

[4] United Nations, *Treaty Series*, vol. 1465, No. 24841.

[5] Ibid., vol. 2375, No. 24841.

[6] General Assembly resolution 43/173, annex.

[7] General Assembly resolution 45/111, annex.

[8] General Assembly resolution 45/113, annex.

[9] General Assembly resolution 65/229, annex.

[10] *Handbook for Prison Leaders: A Basic Training Tool and Curriculum for Prison Managers Based on International Standards and Norms*, Criminal Justice Handbook Series (United Nations publication, Sales No. E.10.IV.4).

on the international transfer of sentenced persons, the handbook on strategies to reduce prison overcrowding (in cooperation with the International Committee of the Red Cross) and the handbook on the prevention of recidivism and the social reintegration of offenders,

1. *Expresses appreciation* for the replies of Member States to the request to exchange information on best practices and on the revision of existing United Nations standard minimum rules for the treatment of prisoners;

2. *Takes note* of the work done by the high-level expert group meeting held in Santo Domingo from 3 to 5 August 2011 and the expert group meeting held in Vienna on 6 and 7 October 2011;

3. *Acknowledges* the work done by the open-ended intergovernmental Expert Group on the Standard Minimum Rules for the Treatment of Prisoners, which drew on the outcome of the two expert group meetings mentioned above;

4. *Recognizes* that the Standard Minimum Rules for the Treatment of Prisoners,[2] adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1955 and approved by the Economic and Social Council in its resolution 663 C (XXIV) of 31 July 1957 and extended by the Council by its resolution 2076 (LXII) of 13 May 1977, have stood the test of time and that they remain the universally acknowledged minimum standards for the detention of prisoners;

5. *Also recognizes* that some areas of the Standard Minimum Rules could be reviewed so that the Rules reflect the latest advances in correctional science and good practices, provided that any changes to the Rules would not lower any existing standards;

6. *Takes cognizance* of the recommendations of the Expert Group,[11] and notes that the Expert Group identified the following preliminary areas for possible consideration:

(*a*) Respect for prisoners' inherent dignity and value as human beings;

(*b*) Medical and health services;

(*c*) Disciplinary action and punishment, including the role of medical staff, solitary confinement and reduction of diet;

(*d*) Investigation of all deaths in custody, as well as any signs or allegations of torture or inhuman or degrading treatment or punishment of prisoners;

(*e*) Protection and special needs of vulnerable groups deprived of their liberty, taking into consideration countries in difficult circumstances;

(*f*) The right of access to legal representation;

(*g*) Complaints and independent inspection;

(*h*) The replacement of outdated terminology;

(*i*) Training of relevant staff to implement the Standard Minimum Rules;

[11] See E/CN.15/2012/18; the recommendations should be considered in the context of the deliberations of the meeting of the Expert Group.

7. *Underscores* that the requirements and needs of prisoners with disabilities should be duly considered, as applicable, in accordance with the Convention on the Rights of Persons with Disabilities;[12]

8. *Authorizes* the Expert Group to continue its work, within its mandate, with a view to reporting on its progress to the Commission on Crime Prevention and Criminal Justice at its twenty-second session, and requests the Secretary-General to ensure that the required services and support are provided;

9. *Invites* Member States to actively participate in the next meeting of the Expert Group and to have a report prepared summarizing discussions and recommendations, including comments and concerns expressed by Government experts and other participants;

10. *Expresses its gratitude* to the Government of Argentina for its readiness to host the next meeting of the Expert Group;

11. *Takes note* of the work accomplished for the preparation of the conference room paper containing notes and comments on the Standard Minimum Rules, and recommends its early translation into all other official languages of the United Nations, as well as its wide dissemination;

12. *Encourages* Member States to promote the implementation of the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules);[9]

13. *Recommends* that Member States endeavour to reduce overcrowding and pretrial detention, where appropriate, and promote increased access to justice and legal defence mechanisms, reinforcing alternatives to imprisonment, which may include, inter alia, fines, community service, restorative justice and electronic monitoring, as well as supporting rehabilitation and reintegration programmes;

14. *Encourages* Member States to continue exchanging good practices, such as those regarding conflict resolution in detention facilities, including in the area of technical assistance, as well as identifying challenges faced in implementing the Standard Minimum Rules and sharing their experiences in dealing with those challenges, and to provide the relevant information to their experts participating in the Expert Group;

15. *Reiterates its request* to the Secretary-General to continue to promote the use and application of the United Nations standards and norms in crime prevention and criminal justice by, inter alia, providing advisory services and technical assistance to Member States on request, including assistance in criminal justice and law reform, and in the organization of training for law enforcement and criminal justice personnel and support in the administration and management of penal and penitentiary systems, thus contributing to the upgrading of their efficiency and capabilities;

16. *Reaffirms* the important role of the United Nations crime prevention and criminal justice programme network, intergovernmental organizations and non-governmental organizations in consultative status with the Economic and

[12] United Nations, *Treaty Series*, vol. 2515, No. 44910.

Social Council in contributing to the dissemination, promotion and practical application of the Standard Minimum Rules, in accordance with the procedures for the effective implementation of the Rules;[13]

17. *Invites* Member States and other donors to provide extrabudgetary resources for these purposes, in accordance with the rules and procedures of the United Nations.

*46th plenary meeting*
*26 July 2012*

[13] Economic and Social Council resolution 1984/47, annex.